

Exhibit B

OK TO ENTER: /R.H./

**MAIL STOP AF
RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3714**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/077,667
Applicants : Allon G. Englman
Filed : February 15, 2002
Title : GAMING MACHINE WITH BLOCK WAGERING

TC/A.U. : 3714
Examiner : Ryan Hsu

Docket No. : 247079-00127USPT
Customer No. : 70243

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION DATED JULY 21, 2008

Dear Sir:

This is in response to the final Office Action dated July 21, 2008. The shortened statutory period for response is three months from the mailing date, i.e., by October 21, 2008, and this response is being filed within that time period. Please enter the following amendments and remarks into the record for this application.

Amendments to the claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

Listing of Claims:

This listing of claims will replace all prior versions, and listing, of claims in the application.

1. (Previously Presented) A method of conducting a wagering game on a gaming machine, the method comprising:

receiving a single wager from a player to purchase a series of plays of a basic portion of the game, the series of plays comprising a fixed number of plays of the wagering game, the single wager being allocated to the entire series of plays and not being associated with any specific one of the series of plays, the single wager being an amount made by any player such that different players pay the same amount;

in response to the single wager, providing the player with the series of plays of the basic portion of the wagering game, the wagering game including a plurality of outcomes, the plurality of outcomes including a plurality of winning outcomes corresponding to first awards to be awarded to the player, the plurality of winning outcomes including different winning outcomes having corresponding different ones of the first awards;

randomly selecting at least one outcome from the plurality of outcomes for each play in the series of plays of the basic portion of the wagering game;

in response to the randomly selected outcome being one of the plurality of different winning outcomes in any one of the plays, providing the player with the first award corresponding to the randomly selected outcome; and

providing an accumulation feature that accumulates a game-play element of the game over a plurality of the plays in the series of plays of the basic portion of the wagering game, the accumulated game-play element providing a second award to the player in response to a predetermined criterion being met, the accumulation feature is reset to include no accumulated game-play elements prior to each purchased series of plays.

2. (Previously Presented) The method of claim 1, wherein the basic portion is selected from a group consisting of slots, poker, keno, bingo, blackjack, and roulette.

3. (Previously Presented) The method of claim 2, wherein the accumulation feature is triggered by a special outcome in the basic portion.

4. (Previously Presented) The method of claim 1, wherein the accumulated element is represented by a position on a trail, ladder, or meter.
5. (Previously Presented) The method of claim 4, wherein the position identifies a credit amount, a multiplier, a number of free plays of the basic portion, a bonus round, or movement to another position on the trail, the ladder, or the meter.
6. (Previously Presented) The method of claim 1, wherein the accumulated game-play element is a collected object.
7. (Original) The method of claim 6, further including triggering a bonus in response to collection of a predetermined number of the object during the series of plays.
8. (Canceled)
9. (Original) The method of claim 1, wherein each play includes at least one respective random event that is independent of other plays in the series.
10. (Previously Presented) The method of claim 9, wherein the game includes the basic portion and a bonus feature triggered by a special outcome in the basic portion, the at least one random event being associated with the basic portion.
11. (Original) The method of claim 1, wherein each play includes at least one random event that is interdependent of one or more other plays in the series.
12. (Previously Presented) The method of claim 11, wherein the wagering game includes the basic portion and a bonus feature triggered by a special outcome in the basic portion, the at least one random event being associated with the bonus feature.

13. (Previously Presented) The method of claim 1, further including redeeming, prior to the completion of the series of plays, the accumulated game-play element for the second award in response to the predetermined criterion in the series of plays being met, and after the bonus is complete, returning to the series of plays of the basic portion of the wagering game until completion.

14. (Previously Presented) The method of claim 13, wherein the predetermined criterion corresponds to collection of a predetermined number of the accumulated game-play element.

15. (Previously Presented) The method of claim 13, wherein the predetermined criterion corresponds to a certain position of the element on a trail, ladder, or meter.

16. (Canceled)

17. (Previously Presented) The method of claim 1, wherein the basic portion includes a slot game having a plurality of symbol-bearing reels that, during each play in the series, are spun and stopped to place symbols on the reels in visual association with a display area.

18. (Previously Presented) The method of claim 1, wherein the basic portion includes a draw poker game having a plurality of playing cards that, during each play in the series, are dealt from a deck and selectively replaced with substitute cards from the deck.

19. (Canceled)

20. (Canceled)

21. (Canceled)

22. (Canceled)

23. (Canceled)

24. (Canceled)

25. (Previously Presented) A gaming machine for conducting a wagering game comprising:
means for receiving a single wager from a player to purchase a series of plays of a basic portion of the game, the series of plays comprising a fixed number of plays of the wagering game, the single wager being allocated to the entire series of plays and not being associated with any specific one of the series of plays, the single wager being an amount made by any player such that different players pay the same amount;
means, responsive to the single wager, for providing the player with the series of plays of the basic portion of the wagering game;
means for randomly selecting at least one outcome from a plurality of outcomes for each play of the basic portion of the wagering game, the outcomes being indicated by symbol combinations displayed to the player, the plurality of outcomes including a plurality of different winning outcomes, the plurality of different winning outcomes providing a plurality of different payouts to the player in the basic portion of the wagering game; and
an accumulation feature that accumulates an element of the game over a plurality of the plays in the series of plays of the basic portion of the wagering game, the accumulated element involving the symbol combinations that are indicative of the outcomes achieved in the basic portion of the game and the accumulated element not being related to the credit amount associated with the outcomes, the accumulation feature is reset to include no accumulated elements prior to each purchased series of plays, the accumulation feature (i) permitting the player to play a bonus game before completing the series of plays of the basic portion of the wagering game in response to an accumulation of a predetermined number of accumulated elements and (ii) returning to the basic portion of the game to continue playing the series of plays associated with the single wager until the fixed number of plays have been completed.

26. (Previously Presented) The machine of claim 25, wherein the basic portion is selected from a group consisting of slots, poker, keno, bingo, blackjack, and roulette.

27. (Previously Presented) The machine of claim 26, wherein the accumulation feature is triggered by a special outcome in the basic portion.

28. (Previously Presented) The machine of claim 25, wherein the accumulated element is represented by a position on a trail, ladder, or meter.

29. (Previously Presented) The machine of claim 28, wherein the position identifies a credit amount, a multiplier, a number of free plays of the basic portion, a bonus round, or movement to another position on the trail, the ladder, or the meter.

30. (Original) The machine of claim 25, wherein the accumulated element is a collected object.

31. (Previously Presented) The machine of claim 30, further including means for triggering the bonus game in response to collection of a predetermined number of the object during the series of plays.

32. (Canceled)

33. (Original) The machine of claim 25, wherein each play includes at least one respective random event that is independent of other plays in the series.

34. (Canceled)

35. (Original) The machine of claim 25, wherein each play includes at least one random event that is interdependent of one or more other plays in the series.

36. (Canceled)

37. (Previously Presented) The machine of claim 25, further including means for redeeming the accumulated element for the bonus game in response to a predetermined event in the game.

38. (Original) The machine of claim 37, wherein the predetermined event corresponds to collection of a predetermined number of the element.

39. (Original) The machine of claim 37, wherein the predetermined event corresponds to a certain position of the element on a trail, ladder, or meter.

40. (Canceled)

41. (Previously Presented) The machine of claim 25, wherein the basic portion includes a slot game having a plurality of symbol-bearing reels that, during each play in the series, are spun and stopped to place symbols on the reels in visual association with a display area.

42. (Previously Presented) The machine of claim 25, wherein the basic portion includes a draw poker game having a plurality of playing cards that, during each play in the series, are dealt from a deck and selectively replaced with substitute cards from the deck.

43. (Previously Presented) The method of claim 1, further including
redeeming the accumulated game-play element for a bonus event in response to a
predetermined criterion before completing the series of plays;
playing the bonus event; and
continuing the series of plays.

44. (Previously Presented) The method of claim 43, wherein the predetermined criterion corresponds to collection of a predetermined number of the accumulated element.

45. (Previously Presented) The method of claim 1, wherein the accumulated game-play element is a number of consecutive winning symbol combinations achieved in the basic game,

the second award being a credit amount corresponding to the number of consecutive winning symbol combinations.

46. (Previously Presented) The method of claim 1, wherein the accumulated game-play element is a total value of credits being awarded as the first awards to the player for outcomes achieved in the basic game when a randomly appearing hold-bonus symbol is present during the outcomes that resulted in the first awards in the basic game, the second award being a credit amount related to the total value of credits achieved when the randomly appearing hold-bonus symbol is present during the series of plays.

47. (Previously Presented) The method of claim 1, wherein the accumulated game-play element is a number of occurrences of a certain winning symbol combination achieved in the basic game, the second award being an enhancement of a credit amount corresponding to the certain winning symbol combination, the enhancement corresponding to the number of the certain winning symbol combination that has previously occurred during the series of plays.

48. (Previously Presented) A method of conducting a wagering game on a gaming machine, the method comprising:

receiving a single wager from a player to purchase a series of plays of a basic portion of the game, the series of plays comprising a fixed number of plays of the wagering game, the single wager being allocated to the entire series of plays and not being associated with any specific one of the series of plays;

in response to the single wager, providing the player with the series of plays of the basic portion of the wagering game;

randomly generating at least one outcome of each play in the series of plays of the basic portion of the wagering game, the outcomes being indicated by symbol combinations developed from a plurality of individual symbols on a display;

awarding a first basic-game award to the player for a first winning outcome indicated by a winning symbol combination in any one of the series of plays;

awarding a second basic-game award to the player for a second winning outcome indicated by a winning symbol combination in another one of the series of plays, the second basic-game award being different from the first basic-game award;

accumulating a game-play element in an accumulation feature during the plurality of the plays in the series of plays of the basic portion of the wagering game, the accumulated game-play element being associated with the symbol combinations that are displayed during the series of plays of the basic portion of the wagering game, the accumulated game-play element not being associated with a credit value corresponding to winning symbol combinations achieved by the player;

awarding an accumulation-feature award to the player for the accumulation feature in response to a predetermined criterion being met for the accumulated game-play element; and

resetting the accumulation feature to include no accumulated game-play elements prior to the next purchased series of plays.

49. (Previously Presented) The method of claim 48, wherein the awarding of the accumulation-feature award occurs in a separate bonus game that is displayed to the player.

50. (Previously Presented) The method of claim 48, wherein the accumulation feature includes a second game-play element that can be accumulated and further including,

accumulating the second game-play element during the series of plays of the basic portion of the wagering game, and

awarding another award to the player in response to another predetermined criterion being met for the second accumulated game-play element.

51. (Previously Presented) A method of conducting a wagering game on a gaming machine, the method comprising:

receiving a single wager from a player to purchase a series of plays of a basic portion of the game, the series of plays comprising a fixed number of plays of the wagering game, the single wager being allocated to the entire series of plays and not being associated with any

specific one of the series of plays, the single wager being an amount made by any player such that different players pay the same amount;

in response to the single wager, providing the player with the series of plays of the basic portion of the wagering game, the wagering game including a plurality of outcomes, the plurality of outcomes including a plurality of winning outcomes corresponding to first awards to be awarded to the player, the plurality of winning outcomes including different winning outcomes having corresponding different ones of the first awards;

randomly generating at least one outcome of each play in the series of plays of the basic portion of the wagering game, the outcomes being indicated by symbol combinations developed from a plurality of individual symbols on a display;

accumulating an element in an accumulation feature during the plurality of the plays in the series of plays of the basic portion of the wagering game, the accumulated game-play element involving the symbol combinations that are displayed during the series of plays of the basic portion of the wagering game, the accumulated game-play element not being related to the credit amount associated with the winning symbol combinations achieved by the player;

before completing the series of plays of the basic portion of wagering game, permitting the player to play a bonus game in response to a predetermined criterion being met for the accumulated element;

after completion of the bonus game, returning to the basic portion of the game to continue playing the series of plays associated with the single wager until the fixed number of plays have been completed; and

resetting the accumulation feature to include no accumulated game-play elements prior to the next purchased series of plays.

52. (Previously Presented) The method of claim 51, further including awarding first awards for winning outcomes in the basic portion of the game and awarding an additional bonus award associated with the bonus game.

REMARKS/ARGUMENTS

Claims 1-7, 9-15, 17, 18, 25-31, 33, 35, 37-39 and 41-52 remain in the application for further prosecution.

Claim Rejections Under §103

Claims 1-7, 9-15, 17, 25, 31, 33, 35, 37-39, 41 and 43-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,857,958 (“Osawa”) and further in view of U.S. Patent No. 5,851,010 (“Feinberg”).

Claims 18 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa and Feinberg as applied to claims above, and further in view of U.S. Patent No. 6,311,976 (“Duhamel”).

Request For Reconsideration of the Rejections

There are several different bases for finding that the claims are patentable over Osawa and Feinberg. Applicants respectfully request that the current claim rejections be reconsidered in light of these arguments.

A. **Osawa Does Not Teach the Claim Elements Related to the “Reset” Feature in the Independent Claims**

Each of claims 1 and 25 requires that “the accumulation feature is reset to include no accumulated game-play elements prior to **each** purchased series of plays.” The Office Action cites to Col. 11, line 47 to Col. 12, line 47 for this feature. However, this element is not taught in Osawa.

Recognizing that prior art systems fail to maintain player interest in a game, Osawa wants to encourage a player to stay at the gaming machine and continue wagering on the primary game. Col. 1, line 45. Osawa does so by providing a secondary game in which elements from the primary game are accumulated and displayed to the player. See FIGS. 6-13. To the extent the player accumulates a certain amount of elements, the player is awarded a prize associated with that secondary game.

One major difference between the claimed invention and Osawa's teaching relates to the resetting function associated with the accumulation feature. In the claimed invention, the reset

function occurs “prior to **each** purchased series of plays.” (i.e., before the player purchases the series of plays). Quite to the contrary, the reset function in Osawa **only** occurs when the accumulated feature reaches a certain threshold. This concept is also taught at column 4, lines 6-18 of Osawa in which Osawa describes resetting one single area in response to the predetermined condition being satisfied (i.e., a win) or resetting all of the display areas in response to the predetermined condition being satisfied.

Osawa’s FIG. 5 further illustrates the process of having the player insert a coin and play the game. In FIG. 5, the reset of the accumulation feature **only** occurs when the secondary game has been completed (by achieving a certain predetermined condition) and the player is awarded a payout, as is shown in steps ST12 and ST13. **There is absolutely no resetting of the accumulation feature prior to the insertion of the coin at step ST1 in FIG. 5.**

Applicant note that, when attempting to find this claim element in Osawa, the Final Office Action states:

Furthermore, Osawa’s accumulation feature provides the player with a second award to a player in response to a predetermined condition being met, **the accumulation feature is reset to include no game played accumulated elements at the start of a player entering into the game.**

Final Office Action, p. 3. The Applicant respectfully suggests that the highlighted portion of this quotation is an inaccurate reading of Osawa. As described above, Osawa **only** resets after a player has achieved a certain outcome in the secondary game -- not “at the start of a player entering into the game.” As such, Osawa does not teach at least one element of claims 1 and 25.

Similarly, independent claims 48 and 51 require “resetting the accumulation feature to include no accumulated game-play elements prior to the **next** purchased series of plays.” For similar reasons, Osawa does not teach this claim element as well.

The Applicant respectfully requests that the Examiner consider the following point very carefully because it helps to establish the Applicant’s frame of mind at the time of the claimed invention. The Applicant was well aware of other prior art accumulation features when the present invention was developed. The Applicant described several prior art wagering games that included an accumulation feature in the Background Section of the present specification. See paragraph 4 of U.S. Publication No. 2003/0157978. The Applicant further noted the

problems associated with the prior art wagering games having such an accumulation feature. See paragraph 5 of U.S. Publication No. 2003/0157978. One of these problems is the concept of the “vulturing” effect, which occurs when a player has nearly achieved a predetermined condition in an accumulation feature, but must walk away from the gaming machine for a variety of reasons (e.g., to eat, to use the restroom, lack of money, etc.). Other players near the gaming machine that has nearly achieved the predetermined condition begin to act like “vultures,” waiting for (or even pressuring) the initial player to leave the machine. **Osawa teaches the EXACT prior art accumulation feature that the Applicant discussed in the Background Section at paragraph 4 & 5 and that the Applicant sought to avoid when developing the current invention.**

Because Osawa only resets the accumulation feature in response to a player achieving a predetermined condition in the accumulation feature, a player of Osawa’s game will be encumbered by the “vulturing” effect that the Applicant described in the Background Section.

In short, Osawa never identified these problems of the accumulation feature and, therefore, cannot teach the solution that has been claimed by the Applicant

B. **Osawa Does Not Teach the Element of Independent Claim 51 Regarding the “Playing” of the Bonus Game and “Returning” to the Basic Game**

Claim 51 permits the player to play the bonus game after a predetermined criterion has been met in the accumulation feature. Furthermore, after completion of the bonus game, the player then returns to the basic game and continues using the same single wager that the player initially used to play the basic game. In particular, claim 51 requires the following:

- “before completing the series of plays of the basic portion of wagering game, **permitting the player to play a bonus game** in response to a predetermined criterion being met for the accumulated element;
- **after completion of the bonus game, returning to the basic portion of the game** to continue playing the series of plays associated with **the single wager** until the fixed number of plays have been completed;”

There is absolutely no bonus game (or secondary game) that can be “played” in Osawa. Rather, it is simply an additional award. Furthermore, as discussed above, in Osawa, there is no returning to the basic portion of the game that permits a player to play the basic game with the same **single wager** that the player previously used to start the basic game. Osawa's FIG. 5 proves that this is true.

The Applicant notes that the Final Office Action fails to address these important claim elements in claim 51. The concepts of “playing” a bonus game, “completing” the bonus game, and “returning” to the basic portion of the game for continuing the play with the single wager are simply not addressed in the Final Office Action. Accordingly, a *prima facie* case of obviousness has not been established with regard to independent claim 51 and its dependent claims for this reason as well.

C. Osawa Teaches Away from its Combination with Feinberg

The objective of Osawa is to enhance player interest in the wagering game to increase the amount of coin input to the gaming machine. Osawa summarizes his wagering game as follows:

As described above, the secondary game played on the secondary display screen is separate from the variable display that displays the principal game, but is related to the result of the principal game, **thereby enhancing the player's interest in continuing to play the entire game.** The secondary game on the secondary display screen proceeds while indicating histories of the (winning) states displayed in the past by the variable display. Therefore, the player can know whether the completion of the secondary game is near or not. Also, it is easy for the player to know at glance what kind of (winning) pattern has to be displayed in the principal game for completion of the secondary game **so that the player may play the game with high interest and expectation.** The player can endeavor to win the principal game by paying attention to the progress of the secondary game, thereby greatly elevating the player's interest in the game.

Col. 15 lines 1-13. (emphasis added). The displaying of the state of completion of the secondary game creates the “vulturing” effect discussed above (and described in the Applicant’s specification at paragraph 5) because other people near the gaming machine can also view the state of the secondary game and hope that the player leaves the gaming machine. More importantly, to the extent that Feinberg’s single-wager wagering feature were added to Osawa, Osawa’s objective of creating more coin input by enhancing player interest through expectations associated with Osawa’s secondary game is destroyed. Recognizing Osawa’s desire for higher coin-input, it would be counterintuitive for the skilled artisan to modify Osawa and add Feinberg's single-wager betting feature. See MPEP 2143.01 (the proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of

a reference). Considering these countervailing themes, the Applicant respectfully suggests that the present rejection may be based on the hindsight reconstruction of the Applicant's invention.

D. Feinberg Teaches Away from the Present Invention And Teaches Away from Its Combination with Osawa

In the previous reply, the Applicant set forth several reasons why the Feinberg teaches away from the combination with Osawa. One those arguments was based on the fact that Feinberg desired a simplistic game format that was easy to use and fair for all players, including novice players. See Reply to the Office Action, dated January 29, 2008, pp. 11-14. In response, the Final Office Action suggests that the argument regarding Feinberg's explicitly recited desire for simplicity is irrelevant to the obviousness rejection of the instant claimed invention. Final Office Action, p. 8. The Applicant respectfully disagrees.

Without question, the pending claims are directed to wagering games that Feinberg would surely consider complex -- the exact type of games that Feinberg understood was in the prior art and was attempting to avoid. See Col. 1, lines 10-25 (Feinberg discussing the problems of common wagering games, such as blackjack, craps. Roulette, baccarat, and slot machines) Some of the prior art games that Feinberg specifically desired to avoid are, in fact, explicitly set forth in several claims. See claims 2, 17, 26, 41. Without question, Feinberg's desire for a "relatively simple gaming format" (col. 1, lines 30-34) in which the outcome is either "you win" or "you lose" is the antithesis of the claimed invention **and** Osawa's teaching in which there are **multiple** types of winning outcomes that are indicated by **multiple** types of symbol combinations. In short, Feinberg's wagering feature for his "relatively simple gaming format" can be excised from Feinberg's wagering system without regard to Feinberg's overall teaching and be added to Osawa. Adding pieces of the prior art together in a piecemeal fashion, without regard to their entire teachings, is improper. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). See MPEP § 2141.02 and MPEP § 2145 X(D)(1).

Consequently, the Applicant respectfully requests the Examiner to reconsider whether the skilled artisan, after reading all of Feinberg, would simply add Feinberg's wagering feature to Osawa in light of the fact that Osawa's objective is to increase repetitive coin input (See step

ST1 in FIG. 5 of Osawa) by enhancing player interest in a wagering game that Feinberg, himself, deemed to be too complex and problematic for novice players.

E. The Stated Reasoning for Combining Feinberg with Osawa is Not Entirely Accurate Because It Misinterprets Feinberg's Teaching.

Finally, the Applicant does not believe that the reason for combining Feinberg and Osawa is entirely accurate. In the Final Office Action, the motivation for making this combination is described in the following two sentences:

Feinberg teaches that one would be motivated to incorporate the wagering system of purchasing a series of plays for a single wager in order to encourage new players to play a wagering game more times and have the ability to assess to ascertain the maximum loss that he/she would have to risk. Therefore one would have been motivated to incorporate the wagering system of Feinberg in order to promote the play of a wagering game at the time the invention was made.

Final Office Action, p. 4. As stated previously, Feinberg's objective is to attract new players by providing a wagering game that is unlike other well-known wagering games. To accomplish this objective, Feinberg's focus is on a "relatively simple gaming format" **in which the player makes a simple decision**, such as odd/even, red/black, heads/tails. See Col. 1, lines 30-34; Col. 2, lines 38-50. By providing a wagering game that relies on such a simple decision from the player, Feinberg is removing the complex gaming rules associated with other more well-known wagering games, thereby making a new player more comfortable with understanding how to play Feinberg's game. While Feinberg's simple wagering game calls for the player to make a single wager, Feinberg **is not teaching** a "single wager in order to encourage new players to play a wagering game" as set forth in the Final Office Action. Rather, Feinberg is teaching a simplistic gaming format that requires a straightforward odd/even, red/black, heads/tails type of decision from the player for encouraging new players to play Feinberg's wagering game.

As such, Applicant does believe the first sentence in the aforementioned quote regarding what Feinberg is teaching is an entirely accurate statement. Hence, it should not be used as the basis for the reasoning as to why to add Feinberg to Osawa.

Conclusion

It is the Applicant's belief that all of the pending claims are in condition for allowance and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at the number shown.

Respectfully submitted,

Date: October 21, 2008

/Daniel J. Burnham, Reg. #39,618/

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